

**Before the State of South Carolina
Department of Insurance**

In the matter of:

SCDOI File Number 124946

Richard R. Deason
Post Office Box 748
Saluda, S.C. 29138.

**Consent Order
Imposing Administrative Penalty As
Precondition to Remain Licensed**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and the above referenced individual, a licensed South Carolina resident insurance producer.

Upon review of this matter, I hereby find as fact, that Richard Deason, while licensed to do business as a resident insurance producer within South Carolina, was convicted of criminal domestic violence pursuant to information that the respondent voluntarily provided to the Department. The victim is his wife, who manages the insurance business for him and has asked us to allow her husband to remain licensed in order to provide for the family.

Mr. Deason fully acknowledges his wrongdoing and understands this type of action can ultimately lead to the suspension or revocation of his license to transact the business of insurance as producer in South Carolina, subject to the right to request a public hearing before the Administrative Law Court, pursuant to S.C. Code Ann. Section 38-43-130 (Supp. 2004).

Prior to the initiation of any administrative proceedings by the Department against him, the parties agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than to proceed toward a formal administrative hearing. The consensual recommendation was that, in lieu of the Department seeking to suspend or revoke respondent's license, he would waive his right to a public hearing, and pay a negotiated and consensual administrative fine in the total amount of \$1,000.00 dollars to the Department. The respondent shall also be placed on one year probation. Any further violations of South Carolina's insurance laws, regulations and/or statutes during this one year probationary period shall result in the immediate revocation of the Respondent's resident insurance license without any further disciplinary proceedings.

After a thorough review of the record, and pursuant to my findings of fact, I hereby conclude as a matter of law that Richard Deason did violated Section 38-43-130 (A)(6)(Supp. 2004) of the South Carolina Code of Law. As a result, I can now suspend or revoke his resident insurance producer's license. However, under the discretionary authority provided to me by the General Assembly within S.C. Code Ann. § 38-2-10 (2) (Supp. 2004) and carefully considering the recommendation of the parties, I hereby impose against respondent an administrative penalty in the amount of \$1,000.00 dollars, which he must pay within fifteen days from the date of the signing of this Consent Order, and place him on a one year Probationary Period. Failure to pay

said fine within the fifteen days and/or comply with the insurance laws of this State during the probationary period shall result in the immediate revocation of his licensing privileges without any further disciplinary proceedings and without any right to appeal said revocation.

This administrative fine has been reached by the parties as a result of negotiation and compromise, in view of the absence of a negative record or complaints within respondent's history, and it is made in consideration of his assurances that in the future he shall fully comply with the Insurance Laws of South Carolina. It is also made as a result of his wife's plea for clemency.

This fine includes all expenses related to the investigation of this matter as provided in § 38-13-70 of the South Carolina Code of Laws. The parties expressly agree and understand payment of the agreed-upon fine and the successful completion of a one year Probationary Period shall constitute full accord and satisfaction of this matter. By his signature upon this consent order, Richard R. Deason acknowledges that he understands that this administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2004).

Nothing contained within this administrative order should be construed to limit, or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, pursuant to S.C. Code Ann. § 38-3-110 (4) (Supp. 2004), exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that Richard Deason shall, within fifteen days from the date of signing of this consent order, pay to the South Carolina Department of Insurance an administrative fine in the amount of \$1,000.00 dollars and be placed under one year Probation. It is further ordered that in the event that Richard Deason fails to pay said fine within fifteen (15) days of signing of the consent order, or fails to comply with the insurance laws of this State while on probation, his resident producer license shall be automatically revoked by the Department without further disciplinary proceedings and without any right to appeal said revocation by the Department.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in Mr. Deason's licensing file.

This consent order becomes effective as of the date of my signature below.



Eleanor Kitzman
Director

Dated this 21 day of September 2005
At Columbia, South Carolina

I CONSENT:


Signature

Richard R. Devon
Printed Name

Insurance broker or sole proprietor
Title

Address:

Dated this 14 day of September, 2005